



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

COPY MAILED

OCT 12 2006

OFFICE OF PETITIONS

In re Application of
Solyom et al.
Application No. 10/771,847
Filed: February 3, 2004
Attorney Docket No. IDR0108CIP-USA
Title of Invention: Novel Substituted 2,3-
Benzodiazepine Derivatives

:
:
:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR §1.181 filed July 17, 2006 to withdraw the holding of abandonment.

The petition filed under 37 CFR 1.181 is **Granted**.

This above-identified application became abandoned for failure to file a complete response to a Notice to File Missing Parts which was mailed on May 5, 2004. The Notice to File Missing Parts set an extendable two (2) month period for reply. A reply was submitted on October 7, 2004. A three month extension of time was obtained under the provisions of 37 CFR §1.136(a).¹ A Notice of Incomplete Reply was mailed on October 25, 2004, stating that the filing date and additional claim fees had not been provided. Accordingly, this application became abandoned on October 6, 2004. This decision precedes the mailing of a Notice of Abandonment.

¹It is noted that applicant required a four month extension of time fee. A three month extension of time required a reply by October 5, 2004. The certificate of mailing which accompanied the reply shows a date of October 7, 2004. An additional \$550.00 is required.

Petitioner maintains that a response to the Notice to File Missing Parts was mailed on October 5, 2004. Petitioner states the response included a general authorization to charge any necessary fees and thus the filing and additional claim fees should have been charged.

A review of the reply submitted on October 7, 2004 shows a general authorization to charge the deposit account was present. Based on the facts stated in the instant petition and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

This application is being forwarded to Office of Initial Patent Examination for further processing including charging applicants an additional \$550.00 towards the four month extension of time fee which was required on October 7, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name "Charlema" being more prominent and the last name "Grant" following in a similar style.

Charlema R. Grant
Petition Attorney
Office of Petitions